

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Alan Doane, on January 18, 2017 at 8:00 AM, in Room 137 Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Alan Doane, Chair (R)  
Rep. Seth Berglee, Vice Chair (R)  
Rep. Virginia Court, Vice Chair (D)  
Rep. Laurie Bishop (D)  
Rep. Bob Brown (R)  
Rep. Jennifer Eck (D)  
Rep. Bill Harris (R)  
Rep. Kathy Kelker (D)  
Rep. Casey Knudsen (R)  
Rep. Theresa Manzella (R)  
Rep. Nate McConnell (D)  
Rep. Shane A. Morigeau (D)  
Rep. Dale Mortensen (R)  
Rep. Zac Perry (D)  
Rep. Matt Regier (R)  
Rep. Lola Sheldon-Galloway (R)  
Rep. Barry Usher (R)  
Rep. Kirk Wagoner (R)

**Members Excused:**

Rep. Ellie Hill Smith (D)

**Members Absent:** None

**Staff Present:** Sara Fleming, Committee Secretary  
Helen Thigpen, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 208, 1/13/2017; HB 236, 1/13/2017; HB 237, 1/13/2017  
Executive Action: HB 46, HB 64, HB 89, HB 165, HB 237

**HEARING ON HB 236**

**Opening Statement by Sponsor:**

00:03:14 Rep. Frank Garner (R), HD 7, opened the hearing on HB 236, Generally revise laws related to release of information by law enforcement.

**Proponents' Testimony:**

00:06:49 John MacDonald, Montana Newspaper Association

00:09:20 Dewey Bruce, Montana Broadcasters Association, Freedom of Information Hotline

00:09:58 Jim Rickman, Montana Newspaper Association

[\*\*EXHIBIT\(juh13a01\)\*\*](#)

00:10:33 Mark Murphy, Montana Association of Chiefs of Police (MACOP)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:13:22 Rep. Garner

**HEARING ON HB 208**

**Opening Statement by Sponsor:**

00:13:55 Rep. Kirk Wagoner (R), HD 75, opened the hearing on HB 208, Provide that it is unlawful to retaliate against public whistleblowers.

**Proponents' Testimony:**

00:16:51 Carol Bondy, Self

**Opponents' Testimony:**

00:22:47 Mark Murphy, Montana County Attorneys Association (MCAA)

00:24:01 Jonathan Motl, Commissioner of Political Practices (COPP)

[\*\*EXHIBIT\(juh13a02\)\*\*](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:30:23 Rep. Kelker

00:31:09 Jonathan Motl, COPP

00:31:52 Chair Doane

00:32:01 Rep. Kelker

00:32:49 Chair Doane

00:32:56 Rep. Kelker

00:33:27 Jonathan Motl, COPP

00:34:10 Rep. McConnell

00:35:19 Rep. Wagoner

00:37:04 Rep. McConnell  
00:38:16 Rep. Wagoner  
00:40:36 Rep. McConnell  
00:41:07 Jonathan Motl, COPP  
00:41:50 Rep. Manzella  
00:42:41 Rep. Wagoner  
00:43:24 Rep. Manzella  
00:43:32 Rep. Wagoner  
00:43:39 Rep. Eck  
00:44:33 Rep. Wagoner  
00:45:32 Rep. Eck  
00:45:45 Rep. Wagoner  
00:46:53 Rep. Eck  
00:47:05 Rep. Wagoner  
00:47:19 Rep. Kelker  
00:47:47 Rep. Wagoner  
00:48:38 Rep. Bishop  
00:50:13 Rep. Wagoner  
00:51:38 Rep. Bishop  
00:52:05 Rep. Wagoner  
00:53:31 Vice Chair Berglee  
00:54:05 Jonathan Motl, COPP  
00:54:42 Rep. Harris  
00:55:42 Rep. Wagoner  
00:56:54 Rep. Bishop  
00:57:26 Rep. McConnell  
00:57:49 Rep. Wagoner

**Closing by Sponsor:**

00:58:15 Rep. Wagoner

01:01:38 Recess

01:09:44 Reconvene

**HEARING ON HB 237****Opening Statement by Sponsor:**

01:10:08 Rep. Ron Ehli (R), HD 86, opened the hearing on HB 237, Create grant program for behavioral health crisis response by law enforcement.

**Proponents' Testimony:**

01:13:37 Jim Anderson, Crisis Intervention Treatment Montana (CIT Montana)  
01:17:16 Matt Kuntz, National Alliance on Mental Illness (NAMI)  
01:19:25 Deb Matteucci, Montana Board of Crime Control (MBCC)  
01:23:56 Kathy McGowan, Eastern Montana Mental Health Center, South Central Mental Health Center, Center for Mental Health, Western Montana Mental Health Center  
01:26:49 Sheriff Leo Dutton, Lewis & Clark County, Montana Sheriffs and Peace Officers Association (MSPOA)  
01:30:56 Bill Gallea, Montana Medical Association (MMA)  
01:32:15 John Wilkinson, Self

01:34:57 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Chiefs of Police Association (MCOPA)  
 01:36:48 Megan Bailey, Self  
 01:38:15 Eric Bryson, Montana Association of Counties (MACo)  
 01:39:13 Ben Slater, Missoula Police Department, Crisis Intervention Treatment Montana (CIT Montana)  
 01:41:32 Sheriff Brian Gootkin, Gallatin County, Montana Sheriffs and Peace Officers Association (MSPOA)  
 01:42:41 Ingrid Hill, Crisis Intervention Treatment Montana (CIT Montana)  
 01:44:43 Shane Hildenstab, Lewis & Clark County Sheriffs  
 01:45:57 Sheriff Chuck Curry, Flathead County  
 01:47:58 Sheriff Mike Linder, Yellowstone County

**Opponents' Testimony:** None**Informational Testimony:**

01:49:46 Denis Nyland, Crisis Intervention Treatment Montana (CIT Montana)

**Questions from Committee Members and Responses:**

01:50:10 Vice Chair Court  
 01:50:34 Rep. Ehli  
 01:50:55 Deb Matteucci, MBCC  
 01:52:00 Rep. Bishop  
 01:52:44 Jim Anderson, CIT Montana  
 01:53:55 Vice Chair Court  
 01:54:25 Deb Matteucci, MBCC  
 01:55:37 Rep. B. Brown  
 01:56:01 Rep. Ehli  
 01:56:52 Jim Anderson, CIT Montana  
 01:57:32 Deb Matteucci, MBCC

**Closing by Sponsor:**

02:00:13 Rep. Ehli  
 02:03:44 Chair Doane

**EXECUTIVE ACTION ON HB 237**

02:04:43 **Motion/Vote:** Rep. Berglee moved that **HB 237 DO PASS**. Motion carried unanimously by voice vote. Rep. Hill Smith voted by proxy.

**EXECUTIVE ACTION ON HB 64**

02:05:35 **Motion:** Rep. Berglee moved that **HB 64 DO PASS**.

**Discussion:**

02:05:20 Helen Thigpen, Legislative Services Division (LSD)

02:06:28 **Vote:** Motion carried 16-3 by roll call vote with Rep. Hill Smith, Rep. Mortensen and Rep. Usher voting no. Rep. Hill Smith voted by proxy.

**EXECUTIVE ACTION ON HB 46**

02:08:11 **Motion:** Rep. Berglee moved that **HB 46 DO PASS.**

**Discussion:**

02:08:18 Helen Thigpen, LSD

02:08:38 **Motion:** Rep. Court moved that **HB 46 BE AMENDED.**  
**EXHIBIT(juh13a03)**

**Discussion:**

02:09:00 Helen Thigpen, LSD

02:09:25 Vice Chair Court

02:09:40 Rep. Usher

02:10:10 **Vote:** Motion carried unanimously by voice vote. Rep. Hill Smith voted by proxy.

02:10:33 **Motion:** Rep. Berglee moved that **HB 46 DO PASS AS AMENDED.**

**Discussion:**

02:10:43 Rep. Usher

02:11:23 Rep. McConnell

02:12:12 Chair Doane

02:12:28 Rep. McConnell

02:12:39 Vice Chair Court

02:13:12 Rep. Manzella

02:13:43 Rep. Kelker

02:14:17 Rep. Harris

02:15:03 Chair Doane

02:15:48 **Vote:** Motion carried 10-9 by roll call vote with Rep. Berglee, Rep. B. Brown, Rep. Doane, Rep. C. Knudsen, Rep. Mortensen, Rep. M. Regier, Rep. Sheldon-Galloway, Rep. Usher and Rep. Wagoner voting no. Rep. Hill Smith voted by proxy.

**EXECUTIVE ACTION ON HB 165**

02:17:46 **Motion:** Rep. Berglee moved that **HB 165 DO PASS.**

**Discussion:**

02:18:01 Helen Thigpen, LSD

02:18:33 **Motion:** Rep. Berglee moved that **HB 165 BE AMENDED.**  
**EXHIBIT(juh13a04)**

**Discussion:**

02:18:47 Helen Thigpen, LSD

02:19:29 Rep. Morigeau

02:19:46 Helen Thigpen, LSD

02:20:02 Rep. Kelker

02:20:19 Helen Thigpen, LSD

02:20:38 **Vote:** Motion carried unanimously by voice vote. Rep. Hill Smith voted by proxy.

02:20:59 **Motion:** Rep. Berglee moved that **HB 165 DO PASS AS AMENDED.**

**Discussion:**

02:21:09 Rep. Eck

02:22:56 Rep. McConnell

02:23:49 Rep. C. Knudsen

02:24:16 Helen Thigpen, LSD

02:24:42 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Hill Smith voted by proxy.

**EXECUTIVE ACTION ON HB 89**

02:26:36 **Motion:** Rep. Berglee moved that **HB 89 DO PASS.**

**Discussion:**

02:26:45 Helen Thigpen, LSD

02:27:06 **Motion:** Rep. Court moved that **HB 89 BE AMENDED.**  
[EXHIBIT\(juh13a05\)](#)

**Discussion:**

02:27:20 Helen Thigpen, LSD

02:28:16 Vice Chair Court

02:28:42 Rep. Eck

02:28:54 Vice Chair Court

02:29:02 **Vote:** Motion carried unanimously by voice vote. Rep. Hill Smith voted by proxy.

02:29:21 **Motion:** Rep. Berglee moved that **HB 89 DO PASS AS AMENDED.**

**Discussion:**

02:29:26 Helen Thigpen, LSD

02:29:49 **Vote:** Motion carried 18-1 by voice vote with Rep. Hill Smith voting no. Rep. Hill Smith voted by proxy.

**ADJOURNMENT**

Adjournment: 02:32:17

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Sara Fleming, Secretary

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Additional Documents:

**EXHIBIT([juh13aad.pdf](#))**